

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 1:05CR361-CMH
	)	
BURHAN MAHMOD HINAWI,	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

Had this matter gone to trial, the United States would have proven the following beyond a reasonable doubt through witnesses, testimony, and other competent and admissible evidence.

The defendant, BURHAN MAHMOD HINAWI, traveled to Syria on or about June 15, 2005 and returned to the United States arriving at Washington Dulles International Airport in the Eastern District of Virginia on July 18, 2005 aboard Austrian Airlines flight 93 from Damascus, Syria via Vienna, Austria. HINAWI, who was born in 1961 and resides in Charlotte, North Carolina, has been a naturalized United States citizen since 1990.

Customs and Border Protection Officers referred HINAWI to Customs and Border Protection Baggage Control (CBP/BGC) for possible possession of undeclared or contraband items. An examination of HINAWI's baggage at CBP/BGC revealed a video camera, a digital camera, several personal (homemade) video tapes, a tripod for a camera, and a laptop computer. An

examination of HINAWI's personal computer revealed files containing images of minor males and females engaging in sexually explicit conduct. Further checks of HINAWI's laptop revealed visual depictions of HINAWI engaging in various sexual acts with a male who appeared to be between the ages of 12 and 15.

An examination of HINAWI's videotapes revealed movies of HINAWI engaging in various sexual acts with minor children under 16 years old. In at least one video, the person holding the camera appears to place the camera in a fixed position. Then HINAWI is seen peering into the camera's lens at close range from the left before advancing to a child on a bed and engaging in sexual acts with the child. In another video, HINAWI is seen playing a pornographic movie for a minor male. HINAWI proceeds to undress the boy and engage in various sexual acts with the boy including fellatio, masturbation, digital penetration of the boy's anus, analingus, and sexual intercourse. At various times in the recorded event, HINAWI looks back toward the camera. The children on the videos have been interviewed and have confirmed the filming of the depicted sexual contact with Hinawi.

All of the visual depictions of minors engaging in sexually explicit conduct possessed by the defendant had been shipped or transported in interstate or foreign commerce by various means, including by computer transmission, and were stored on materials that had traveled in interstate commerce.

In all instances described above, the defendant, Burhan Mahmod Hinawi, produced visual depictions of minors engaging in sexually explicit conduct knowingly and intentionally and not by accident or mistake, knowing and having reason to know that the visual depictions would travel in foreign commerce to the Eastern District of Virginia in the United States of America.

Respectfully submitted,

PAUL J. MCNULTY  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
Gerald J. Smagala  
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Burhan Mahmod Hinawi and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the

matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

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Burhan Mahmod Hinawi

I am Burhan Mahmod Hinawi's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

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Kurt Mayer, Esquire  
Attorney for Burhan M. Hinawi